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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CR No. 12-mj-71320 MAG
)	
Plaintiff,)	
)	STIPULATION AND PROPOSED
v.)	ORDER CHANGING HEARING DATE
)	AND EXCLUDING TIME
REMON ROYAL,)	
)	
Defendant.)	
_____)	

The Court has set January 3, 2012 as the date for a preliminary hearing or arraignment. The parties hereby stipulate to move the preliminary hearing or arraignment date to January 17, 2013, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the parties to explore possible pre-indictment resolution, to produce and to receive discovery, and for effective preparation of counsel.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective

1 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties
 2 also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the
 3 date of this Order through January 17, 2013. The parties also agree that the ends of justice served
 4 by granting such an exclusion of time outweigh the best interests of the public and the defendant
 5 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

6
 7 SO STIPULATED:

8 MELINDA HAAG
 United States Attorney

9 DATED: January 2, 2013

10 /s/
 KEVIN J. BARRY
 Assistant United States Attorney

11
 12 DATED: January 2, 2013

13 /s/
 JOHN JORDAN
 Attorney for REMON ROYAL

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 20 ~~PROPOSED~~ ORDER

21 For the reasons stated above, the Court sets January 17, 2013, as the date for the
 22 arraignment or preliminary hearing. The Court finds that extension of time limits applicable
 23 under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through January 17,
 24 2013, is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C.
 25 § 3161 is warranted; that the ends of justice served by the continuance outweigh the interests of
 26 the public and the defendant in the prompt disposition of this criminal case; and that the failure
 27 to grant the requested exclusion of time would deny counsel for the defendant and for the
 28 government the reasonable time necessary for effective preparation and continuity of counsel,

1 taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18
2 U.S.C. §3161(h)(7)(B)(iv).

3 IT IS SO ORDERED.

4
5 DATED: 1/3/13


6 THE HON. KANDIS A. WESTMORE
United States Magistrate Judge